

On an ex parte basis, the Debtor sought an order expediting the effective date of the rejection of various executory contracts, and this Court, *sua sponte*, instead granted an order shortening time (“Order” Dkt. 188). The Order provided that HealthCare Conglomerate Associates, LLC (“HCCA”) need not submit a written opposition, but that if it did, such opposition must be filed/served by 5:00 p.m. on November 13. HCCA filed/served a limited opposition at approximately 4:15 p.m. on such date (Dkt. 194). Yesterday afternoon, the Court posted its tentative ruling. And yet this morning, the Debtor filed a reply, two supporting declarations and an exhibit (collectively, the “Reply Pleadings”).

9 HCCA moves to strike the Reply Pleadings on two grounds: First, nothing in the Order
10 permits the filing of a reply. Indeed, by not striking the Reply Pleadings, the Court would be
11 penalizing HCCA for choosing to submit a written response rather than responding to the
12 underlying motion orally at the hearing.

13 Second, the Reply Pleadings are tantamount to a new motion. The order rejecting the
14 various agreements was approved as to form by the Debtor, by HCCA and by the California
15 Department of Health Services (“Rejection Order” Dkt. 174). Paragraph 2 thereof discusses
16 when the effective date of rejection will occur. Paragraph 9 of this morning’s reply requests an
17 amendment to the Rejection Order, expanding in five paragraphs that take up a page of the
18 pleading, specific relief that was never discussed during the hearing on the rejection motion and
19 was not included in the Rejection Order.

For the foregoing reasons, HCCA requests that the Rejection Pleadings be stricken.

22 | Dated: November 15, 2017

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